



# COUNCIL PROCEEDINGS

CITY OF WINNEBAGO, MINNESOTA

## MINUTES OF THE WINNEBAGO CITY COUNCIL

City of Winnebago, Minnesota

September 8, 2009

A regular meeting of the Winnebago City Council was held on Tuesday, September 8, 2009 at 7:00 p.m. in the Municipal Center Council Chambers.

Mayor Nowak called the meeting to order and conducted roll call. Council members present: Gates, Johnson, and Stauffer. Staff present: City Administrator Feely and Deputy City Clerk Sturtz. Absent: Ziegler. City Attorney: Douglas Johanson.

Motion by Gates, seconded by Johnson to approve the Regular Council meeting minutes of August 11, 2009.

With the addition of Authorization to Retain Attorney, motion by Stauffer, seconded by Gates to approve the proposed meeting agenda of September 8, 2009. Motion carried.

### Consent Items

Motion by Gates, seconded by Johnson to approve all bills as listed in the council packet. Motion carried.

Motion by Johnson, seconded by Stauffer to approve all department head reports as listed on pages 8 thru 16 in the council packet and building permits. Motion carried.

Gates updated the council on the truck parking issue. Motion by Gates, seconded by Stauffer to approve all commission and committee reports on pages 17 thru 23 of the council packet. Motion carried.

### Open Meeting to Public

Mayor Nowak opened the meeting to the public for the first time. Hearing no comments, Mayor Nowak closed the meeting to the public.

### General Business

#### Authorizations

#### Pay Estimate No. 2

Motion by Johnson, seconded by Gates to authorize payment of Pay Estimate No. 2 in the amount of \$164,985.98 to GM Contracting, Inc. Motion carried.

1<sup>st</sup> Ave SW Valve Repair Invoice

Motion by Johnson, seconded by Stauffer to authorize payment in the amount of \$2,583.48 to Niles-Wiese Construction Inc. Motion carried.

Blue Earth Area Mentors 2009 Tour of Tables

Motion by Gates, seconded by Johnson to designate \$150 of the 10% Gambling Proceeds to BEAM Tour of Tables fundraiser. Motion carried.

Authorization to Issue Open Burning Permits and Operate Permanent Tree and Brush Burning Site

Stauffer asked if Chief Enger had a chance to look over the documents. Administrator Feely stated at the last Emergency Service meeting Enger indicated a preference that the City just issue permits within the township. She recommended that the documents get signed today and then discuss it at the next Emergency Services committee meeting. Motion by Johnson, seconded by Stauffer to authorize the appropriate individuals to sign the Authorization to Issue Open Burning Permits and Permanent Tree and Brush Open Burning Site Permit Application and return them to the State of Minnesota DNR. Chief of Police Toland was present and stated that there are only about four sites in the county that issue permits; therefore people are very limited on where they can get one. Motion carried.

Consent to Briggs and Morgan's Representation of Excel Energy and Its Affiliates

City Attorney, Douglas Johanson stated that the situation is not really a conflict because Excel Energy is not our provider, Alliant Energy is; therefore he recommended to the City Council that the forms be signed and returned. Motion by Johnson, seconded by Gates to approving signing of the Consent for Briggs and Morgan's Representation of Excel Energy and Its Affiliates. Motion carried.

Out of State Travel Policy for Elected and Appointed Officials

Motion by Gates, seconded by Stauffer to adopt the Out of State Travel Policy for Elected and Appointed Officials. Motion carried.

Firefighter Resignation

Motion by Gates, seconded by Johnson to accept the resignation of Darold Neinhaus as a firefighter for the Winnebago Fire Department with an appropriate letter sent to him. Motion carried.

Authorization to Begin Hiring Process for Additional Firefighters

Motion by Gates, seconded by Stauffer to begin the hiring process for additional firefighters. Motion carried.

Resolution 446-2009; Accepting Donation to the City of Winnebago

Motion by Johnson, seconded by Stauffer to accept Resolution 446-2009 Accepting Donation to the City of Winnebago from the Ladies Brunch group in the amount of \$1,350. Johnson also stated that he would like a letter sent to them thanking them for the donation. Motion carried.

### Safety Saturday

Gates stated that on October 3<sup>rd</sup> will be the 3<sup>rd</sup> annual Safety Saturday and in the prior years the City Council has served hot dogs. The Women of Today has asked if the Council would be willing to do it again. Johnson stated that he has a lot of fun and enjoys doing it. The Council decided that they would be willing to help again this year.

### 2006 Squad Card Transmission Quotes

Motion by Johnson, seconded by Stauffer to approve D&D Transmission out of Fairmont to rebuild the transmission of the 2006 squad car in the amount of \$1800. Motion carried.

### Southern Minnesota Signs On-Sale and Sunday Liquor License Application

Motion by Gates, seconded by Johnson to approve Southern Minnesota Signs Inc. for an on-sale intoxicating liquor license and a Sunday on-sale intoxicating liquor license. Johnson asked Baumann if he would provide a copy of the in-store policy of the three beer maximum. Baumann stated that he would draft a letter to the City stating the policies. Motion carried.

### Resolution 447-2009: Adopting Proposed 2009 Tax Levy Collectible in 2010

Motion by Gates, seconded by Johnson to accept Resolution 447-2009: Adopting Proposed 2009 Tax Levy Collectible in 2010. Motion carried.

Administrator Feely reviewed the following budget timeline with the Council: Adopt Preliminary Levy at Regular City Council Meeting, Budget Workshop at October 13 and November 10 Regular City Council Meetings, Budget Workshop at December 1 Special City Council Meeting, and Final Budget and Levy Adopted at December 8 Regular City Council Meeting.

Mayor Nowak reminded that the public is invited to attend the budget workshops.

### Authorization to Retain Attorney

City Attorney Johanson stated that the City received a letter from the Bureau of Mediation Services indicating a petition has been received from Electrical Worker Local 949 Burnsville. He stated that there are a number of processes that the Bureau requires in order to process the petition. Union laws are a very specialized area and that Johanson has not had any experience in it; therefore he is requesting that Marylee Abrams of Abrams & Schmidt be hired on the Cities behalf to handle all issues that concern the Union. Abrams charges \$135 per hour and \$65 per hour for travel time. She doesn't charge for mileage, postage or faxes and would be willing to come down as many times the Council would like. Motion by Gates, seconded by Johnson to hire Marylee Abrams as an attorney for the City of Winnebago. Motion carried.

### Open Meeting to Public

Mayor Nowak opened the meeting to the public for the second time. Hearing no comments, Mayor Nowak closed the meeting to the public.

### Closed Meeting

Johanson stated an issue has risen whereby he is requesting the City Council close the meeting for a brief time to discuss possible litigation and/or possible settlement discussions prior to litigation relative to an alleged hazardous building in Winnebago. Johanson's intent that this meeting be restricted simply to those two issues whether or not on how the City should proceed and because litigation involved and how the tactics the City would use, needs to be a closed meeting. The City would intend to give a summary of that discussion of the closed meeting at the next City Council meeting. Motion by Johnson, seconded by Stauffer to adjourn into closed session. Johanson asked that Chief Toland be present during the closed meeting. Motion carried.

Open Meeting to Public

Mayor Nowak opened the meeting to the public. Hearing no comments, Mayor Nowak closed the meeting to the public.

Administrator's Report

No report.

Mayor's Report

Mayor Nowak thanked the Ladies Brunch for their donation. He thanked Darold for his time as a firefighter and congratulated Ziegler for his family's new addition.

Council Reports

Gates said that would like to mirror Mayor Nowak and he is very excited for the new pizza place. Johnson stated that he is glad the new pizza place is open and he wishes them well. Stauffer stated that she has heard great things about the pizza. She thanked Darold and the Ladies Brunch.

Motion by Gates, seconded by Johnson to adjourn the meeting. Motion carried.

**Presented to Council October 13, 2009**

  
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Randy Nowak  
Mayor

  
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Jennifer Feely  
City Administrator